

109TH CONGRESS
1ST SESSION

S. 2069

To improve the safety of all-terrain vehicles in the United States, and for
other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2005

Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DEWINE) introduced the
following bill; which was read twice and referred to the Committee on
Commerce, Science, and Transportation

A BILL

To improve the safety of all-terrain vehicles in the United
States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “ATV Safety Act of
5 2005”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ATV.—The term “ATV” means any motor-
9 ized, off-highway, all-terrain vehicle designed to trav-
10 el on 4 wheels, having a seat designed to be strad-

1 dled by the operator and handlebars for steering
 2 control and does not include a prototype of a motor-
 3 ized, off-highway, all-terrain vehicle or other motor-
 4 ized, off-highway, all-terrain vehicle that is intended
 5 exclusively for research and development purposes.

6 (2) COMMISSION, DISTRIBUTION IN COMMERCE,
 7 DISTRIBUTOR, TO DISTRIBUTE IN COMMERCE, MANU-
 8 FACTURER, UNITED STATES.—The terms “Commis-
 9 sion”, “distribution in commerce”, “distributor”, “to
 10 distribute in Commerce”, “manufacturer” and
 11 “United States” have the meaning given those terms
 12 in section 3(a) of the Consumer Product Safety Act
 13 (15 U.S.C. 2052(a)).

14 **SEC. 3. ALL-TERRAIN VEHICLES.**

15 (a) IN GENERAL.—Notwithstanding any other provi-
 16 sion of law, until the date that a mandatory rule applicable
 17 to ATVs promulgated by the Consumer Product Safety
 18 Commission takes effect, it is unlawful for any manufac-
 19 turer or distributor to distribute in commerce in the
 20 United States any new assembled or unassembled ATV
 21 unless—

22 (1)(A) with respect to an ATV designed for use
 23 by a single operator only, such ATV complies with
 24 each applicable provision of—

1 (i) the American National Standard for
 2 Four Wheel All-Terrain Vehicles—Equipment
 3 Configuration, and Performance Requirements
 4 developed by the Specialty Vehicle Institute of
 5 America (American National Standard ANSI/
 6 SVIA-1-2001);

7 (ii) a revision to such Standard; or

8 (iii) an alternative standard that may be
 9 accepted by the Commission; or

10 (B) with respect to an ATV designed for use by
 11 an operator and one or more passengers, such ATV
 12 complies with each applicable provision of—

13 (i) any future American National Standard
 14 developed for such vehicles;

15 (ii) a revision to such Standard; or

16 (iii) an alternative standard that may be
 17 accepted by the Commission;

18 (2) with respect to an ATV, it is subject to or
 19 covered by a letter of undertaking or an ATV action
 20 plan that is filed with the Commission and that—

21 (A) applies to such ATV;

22 (B) includes actions to promote ATV safe-
 23 ty that are substantially similar to such actions
 24 described in the action plans set out under the
 25 heading “All-Terrain Vehicles; Comment Re-

1 quest—Proposed Resolution” in 63 Federal
 2 Register 48199 through 48204 or otherwise ap-
 3 proved by the Commission; and

4 (C) is substantially implemented at the
 5 time of the distribution in commerce of such
 6 ATV; and

7 (3) such ATV bears a permanent label certi-
 8 fying that it complies with the provisions of para-
 9 graphs (1) and (2).

10 (b) VIOLATION OF CPSA.—Any violation of sub-
 11 section (a) shall be deemed to be a failure to comply with
 12 a consumer product safety rule under the Consumer Prod-
 13 uct Safety Act (15 U.S.C. 2051 et seq.), and subject to
 14 all of the penalties and remedies available under such Act.

15 (c) NOTIFICATION.—After the date of the enactment
 16 of this Act, the Commission shall promptly seek to inform
 17 all manufacturers of ATVs that are presently being dis-
 18 tributed in commerce in the United States of the terms
 19 of this Act.

20 **SEC. 4. EFFECTIVE DATE.**

21 This Act shall take effect 90 days after the enactment
 22 of this Act.

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